

city of saint paul
planning commission resolution
file number _____
date _____

18-34

May 18, 2018

WHEREAS, TJL Development LLC, File # 18-055-252, has applied for a conditional use permit (CUP) for building height: at the north wall in T3 zoning district, 55' allowed by right, 68'-4" proposed with CUP; at the south end of the east wall in T2 zoning district, 42'-4" allowed by right with stepbacks, 47' proposed with CUP and stepbacks; at the east end of the south wall in T2, 41' allowed by right with stepbacks, 47' proposed with CUP and stepbacks under the provisions of § 61.501 and § 66.331 of the Saint Paul Legislative Code, on property located at 246 Snelling Avenue S., Parcel Identification Numbers (PINs) 10.28.23.22.0164, -0165, and -0166, legally described as Sylvan Park Addition, Lots 1-5, Block 4; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 10, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is proposing to build a 118-unit mixed-use building at the southeast corner of Snelling and St. Clair Avenues, 246-258 Snelling Avenue. The building heights proposed require a conditional use permit in three areas. These areas differ in their allowed heights and "base of measurement." The differences in these areas are a result of the project sitting on parcels with different zoning designations (T2 and T3) and abutting parcels with zoning designations that impact dimensional standards of the project.

The three areas are as follows:

- North wall in T3 zoning district: 55' allowed by right, 68'-4" proposed with CUP
- South end of the east wall in T2 zoning district, 42'-4" allowed by right with stepbacks, 47' proposed with CUP and stepbacks
- East end of the south wall in T2, 41' allowed by right with stepbacks, 47' proposed with CUP and stepbacks.

moved by _____ Edgerton
seconded by _____
in favor _____ Unanimous
against _____

The following table summarizes the requirements by floor and zoning condition:

	T3	T2 abutting T2	T2 abutting R4
Floors 1-3	OK by right	OK by right	OK by right
4th Floor	OK by right	OK by right	OK by right on N, W CUP required for 4'8" on E CUP required for 6' on S
5th Floor	OK by right on E, S, W See 6th floor for N	N/A	N/A
6th Floor	OK by right on E, S, W CUP required for 13'4" on N	N/A	N/A

2. § 61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The project is located in a Mixed Use Corridor per the Comprehensive Plan, which supports development on primary thoroughfares served by public transit and contains a mix of uses. Land Use Policy 1.24 “support[s] a mix of uses on Mixed-Use Corridors.” Land Use Policy 1.25 “promote[s] the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multi-family residential development.” Land Use Policy 1.28 “promote[s] conditions that support those who live and work along Mixed-Use Corridors, including frequent transit service, vibrant business districts, and a range of housing choices.

The Macalester-Groveland Community Plan “support[s] multi-unit mixed-use development in the following corridors: Snelling Avenue, Grand Avenue, St. Clair Avenue, and Randolph Avenue” (H2.5); calls to “maintain and/or establish zoning that encourages higher-density (taller) development at the intersection of mixed-use corridors and lower-density (shorter) development at mid-block of mixed-use corridors” (LU1.2); and “supports land use that preserves Macalester-Groveland as a uniquely connected, walkable, mixed-use sustainable neighborhood with a pedestrian-oriented human-scale streetscape” (LU1).

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposal reduces curb cuts on the Snelling side of the project from two to one, locating it as far from the intersection as possible. It is two-way access that leads to secured resident-only parking. One curb cut remains on St. Clair to access the ground level parking that will serve both the public and private residents. Public Works Transportation Planning reviewed the site plan and had minor corrections, but no substantive functional issues.

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. Snelling Avenue is a major corridor in the city, with mixed use development present at major intersections, such as Saint Clair. The arrangement of the proposed uses is consistent with the character of mixed use development on nearby mixed use corridors, with retail anchoring the corner, active amenity uses on the first floor, and the majority of the residential units above the first floor. Brick is used on the pedestrian-level facades on Snelling and Saint Clair, consistent with materials used in many other buildings in the area. The tallest parts of the building and the areas with the greatest request for additional height are at the intersection, anchoring the corner. To the east and across the alley, the same tall portion faces a 2 ½ story building with very few windows. Additional height in this location is neither detrimental to character nor will it endanger public health, safety or general welfare. The proposed building steps down significantly as it approaches the single family development to the southeast to reduce negative impacts of shadow and massing. The additional height of up to 6' at the southeastern corner of the project will not be a detriment to the adjacent retail and residential uses, nor will it endanger public health, safety, or general welfare. A shadow study was conducted for use by the Committee and included in the packet.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The presence of the proposed building would not prevent development consistent with the Comprehensive Plan, area plans, and existing zoning.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of TJL Development LLC for a conditional use permit (CUP) for building height: at the north wall in T3 zoning district, 55' allowed by right, 68'-4" proposed with CUP; at the south end of the east wall in T2 zoning district, 42'-4" allowed by right with stepbacks, 47' proposed with CUP and stepbacks; at the east end of the south wall in T2, 41' allowed by right with stepbacks, 47' proposed with CUP and stepbacks at 246 Snelling Avenue S. is hereby approved with the following condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.